

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI,  
INC., OPENAI LP, OPENAI GP, LLC,  
OPENAI, LLC, OPENAI OPCO LLC,  
OPENAI GLOBAL LLC, OAI  
CORPORATION, LLC, and OPENAI  
HOLDINGS, LLC,

Defendants.

X

No. 1:23-cv-11195-SHS-OTW

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DAILY NEWS, LP; CHICAGO TRIBUNE  
COMPANY, LLC; ORLANDO SENTINEL  
COMMUNICATIONS COMPANY, LLC;  
SUN-SENTINEL COMPANY, LLC; SAN  
JOSE MERCURY-NEWS, LLC; DP MEDIA  
NETWORK, LLC; ORB PUBLISHING,  
LLC; AND NORTHWEST  
PUBLICATIONS, LLC,

Plaintiffs,

v.

MICROSOFT CORPORATION, OPENAI,  
INC., OPENAI LP, OPENAI GP, LLC,  
OPENAI, LLC, OPENAI OPCO LLC,  
OPENAI GLOBAL LLC, OAI  
CORPORATION, LLC, OPENAI  
HOLDINGS, LLC,

Defendants.

X

No. 1:24-cv-03285-SHS-OTW

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THE CENTER FOR INVESTIGATIVE  
REPORTING, INC.,

Plaintiff,

X

No. 1:24-cv-04872-SHS

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|-------------------------------|---|
| v.                            | : |
|                               | : |
| OPENAI, INC., OPENAI GP, LLC, | : |
| OPENAI, LLC, OPENAI OPCO LLC, | : |
| OPENAI GLOBAL LLC, OAI        | : |
| CORPORATION, LLC, OPENAI      | : |
| HOLDINGS, LLC, and MICROSOFT  | : |
| CORPORATION,                  | : |
|                               | : |
| Defendants.                   | : |
| -----                         | : |
|                               | X |

**OPENAI DEFENDANTS' MOTION FOR LEAVE TO FILE UNDER SEAL**

Pursuant to Section IV of this Court’s Individual Practices in Civil Cases, Defendants OpenAI, Inc., OpenAI LP, OpenAI GP, LLC, OpenAI LLC, OpenAI OpCo LLC, OpenAI Global LLC, OAI Corporation LLC, and OpenAI Holdings, LLC (collectively, “OpenAI”) seek leave to file under seal the following types of information: (i) metrics related to ChatGPT usage and (ii) technical information related to OpenAI’s products, services and/or operation.

The following documents contain metrics related to ChatGPT usage:

- Limited portions of OpenAI Defendants’ Opposition to the News Plaintiffs’ Letter Motion to Compel OpenAI to Preserve Output Log Data on a Going-Forward Basis;
- Limited portions of the Declaration of Michael Trinh in Support of OpenAI Defendants’ Opposition to the News Plaintiffs’ Letter Motion to Compel OpenAI to Preserve Output Log Data on a Going-Forward Basis (“Trinh Decl.”);
- Limited portions of Exhibit A to the Declaration of Joseph Gratz in Support of OpenAI Defendants’ Opposition to the News Plaintiffs’ Letter Motion to Compel OpenAI to Preserve Output Log Data on a Going-Forward Basis, comprising correspondence between counsel for OpenAI Defendants and the News Plaintiffs concerning the retention of ChatGPT user conversation data;

The following documents contain technical information related to OpenAI’s products, services and/or operation:

- Limited portions of OpenAI Defendants’ Opposition to the News Plaintiffs’ Letter Motion to Compel OpenAI to Preserve Output Log Data on a Going-Forward Basis;
- Limited portions of the Declaration of Michael Trinh in Support of OpenAI Defendants’ Opposition to the News Plaintiffs’ Letter Motion to Compel OpenAI to Preserve Output Log Data on a Going-Forward Basis (“Trinh Decl.”);

- Limited portions of Exhibit 3 to Plaintiff New York Times’s Letter Motion to Compel OpenAI to Produce Categories of Documents (ECF 398-3), comprising correspondence between counsel for Plaintiff and OpenAI Defendants concerning OpenAI’s Responses and Objections to Plaintiff’s Requests for Production of Documents; and
- Limited portions of and Exhibit 14 to the News Plaintiffs’ Motion to Compel OpenAI to Preserve Output Log Data on a Going-Forward Basis (ECF 379-15), comprising correspondence between counsel for Plaintiff and OpenAI Defendants concerning the preservation of user conversation data.

For the reasons stated in OpenAI’s accompanying memorandum of law, which is also submitted in support of OpenAI’s Response to The Times’s Motion for Leave to File Under Seal (ECF 399), OpenAI respectfully requests the Court grant its motion for leave to file under seal.

Dated: January 16, 2025

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